

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15698 of the Exxon Company, U.S.A. (division of Exxon Corporation), pursuant to 11 DCMR 3108.1, for a special exception under Subsection 726.1 to establish a new gasoline station and convenience store in a C-2-A and C-M-3 District at premises No. 1 Florida Avenue, N.E. (Square 668, Lot 91).

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Angel F. Clarens, Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to grant).

FINAL DATE OF ORDER: February 19, 1993

MODIFICATION ORDER

The Board granted the application subject to four conditions by its Order dated February 19, 1993. Condition No. 1 of the order provides that construction of the new Exxon facility shall be as set forth in the plans marked as Exhibit No. 8 of the record except as modified by the remaining conditions set forth in the Board's order.

By letter dated August 4, 1993, counsel for the applicant filed a timely motion for a modification to the originally approved plans. The proposed modification of plans is requested in order to allow for expansion of the proposed building to accommodate interior improvements necessary to make the facility comply with the requirements of the Americans with Disabilities Act. The proposed modification would result in an increase in the building footprint from 24 feet by 46 feet, to 27 feet by 46 feet with a corresponding shift of the canopy and pump islands three feet to the west.

The proposed modification of plans would not result in any change to the site design, number of curb cuts, lighting, landscaping, signage, paving, maneuvering space, or access to the site. There will be no change in the number of required parking spaces. No additional zoning relief would be required. There was no opposition to the requested modification of plans.

Based on the motion for modification of plans, the record in the case, and its final order, the Board concludes that the proposed modifications to the plans previously approved by the Board are minor in nature and do not result in any substantial changes to the size, shape or configuration of the project. The material facts relied upon by the Board relative to the original application are unaffected by the proposed modified plans.

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It is therefore ORDERED that the MODIFICATION of PLANS is APPROVED and that the plans marked as Exhibit No. 27B of the record shall be substituted for those originally approved by the Board and marked as Exhibit No. 8 of the record. In all other respects the Order of the Board dated February 19, 1993 shall remain in full force and effect.

DECISION DATE: September 8, 1993

VOTE: 4-0 (Carrie L. Thornhill, Paula L. Jewell, Sheri M. Pruitt and Angel F. Clarens to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: NOV 18 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15698Order/SS/bhs

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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 18 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. ROBINSON
Director

DATE: NOV 18 1993

15698Att/bhs